

ITW



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q86091

Firmin GARCIA, et al.

National Stage of: PCT/FR2003/003835

Appln. No.: 10/525,224

Group Art Unit: 3754

Confirmation No.: 5613

Examiner: Unknown

Filed: February 22, 2005

For: FLUID PRODUCT DISPENSING ELEMENT AND DISPENSER COMPRISING ONE SUCH ELEMENT

**SUBMISSION OF ENGLISH TRANSLATION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an English translation of the International Preliminary

Examination Report issued in the international stage of this case.

Respectfully submitted,

Raja Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 20, 2006

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003835



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference VALS 928 B PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003835	International filing date (day/month/year) 19 décembre 2003 (19.12.2003)	Priority date (day/month/year) 23 décembre 2002 (23.12.2002)
International Patent Classification (IPC) or national classification and IPC B05B 11/00		
Applicant VALOIS SAS		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 20 juillet 2004 (20.07.2004)	Date of completion of this report 22 November 2004 (22.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

PCT/FR2003/003835

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1-8, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the claims:

pages 1-13, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the drawings:

pages 1/3-3/3, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

The invention relates to a fluid dispensing member for mounting on the opening of a fluid container, which member includes:

- a body defining an internal chamber with a variable volume, which body defines a lower end,
- an actuating rod axially movable back and forth in said body to vary the volume of said chamber, which rod includes a lower portion inserted into the body and an upper portion defining an upper end,
- a radially outwardly extending circumferential bearing flange including a lower surface at least indirectly engageable with one edge of the fluid container opening, and
- optionally a neck washer arranged in contact with the lower flange surface so that it is compressed between the flange and the edge of the opening.

A dispensing member of this type is known from document US-A-2002/066751. The aim of the invention is to provide a highly compact dispensing member that is compatible with container necks of almost any height while being exceptionally well balanced.

According to one feature of the invention, the axial height axially separating the lower flange surface from

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the upper end of the actuating rod is substantially the same as the axial height axially separating the lower flange surface from the lower end of the body. In an alternative embodiment, the axial height axially separating the lower surface of the washer from the upper end of the actuating rod is substantially the same as the axial height axially separating the lower washer surface from the lower end of the body.

The combination of features in each of independent claims 1 and 2 is not found in or obvious from the prior art. It follows that the subject matter of independent claims 1 and 2 is novel and involves an inventive step. Dependent claims 3 to 13 also comply with the requirements of PCT Article 33(2) and (3). Furthermore, claims 1 to 13 are considered to be industrially applicable.